

REMARKS

Claims 1 and 10 have been amended by this amendment. Applicant reserves the right to pursue the original claims and other claims in this application and other applications. Claims 1-23 are pending in this application.

Claims 8, 9, 19 and 20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action contends that the conditional limitations included in these claims renders the claims vague and indefinite since the claims does not state what would occur as part of the invention if the event does not occur. Applicants respectfully disagree.

The primary purpose of the requirement of definiteness of claim language is to ensure that the scope of the claims is clear so the public is informed of the boundaries of what constitutes infringement of the patent. In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph, by providing clear warning to others as to what constitutes infringement of the patent. See, e.g., *Solomon v. Kimberly-Clark Corp.*, 216 F.3d 1372, 1379, 55 USPQ2d 1279, 1283 (Fed. Cir. 2000). If the language of the claim is such that a person of ordinary skill in the art could not interpret the metes and bounds of the claim so as to understand how to avoid infringement, a rejection of the claim under 35 U.S.C. 112, second paragraph, would be appropriate. See *Morton Int'l, Inc. v. Cardinal Chem. Co.*, 5 F.3d 1464, 1470, 28 USPQ2d 1190, 1195 (Fed. Cir. 1993). Applicants respectfully submit that the claims clearly apprise one of ordinary skill in the art of its scope and that the metes and bounds of the claims are easily interpreted so as to understand how to avoid infringement. Claim 8 is dependent upon claim 5. Claim 5 recites calculating a difference between a first corresponding rate from the second rate table and a second corresponding rate from the first table, where the difference is the postage correction rate for the weight break. Claim 8 further recites setting the postage correction rate equal to zero if the difference is negative. The scope of the claims is clear

as to what constitutes infringement of the claims – setting the postage correction amount to zero is the difference is negative. As stated in the MPEP, section 2173.04, if the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph. Each of claims 9, 19 and 20 include similar limitations as described above with respect to claim 8, and are not vague and indefinite for the same reasons given above with respect to claim 8.

Applicants respectfully submit that the claims 8, 9, 19 and 20 are not vague and indefinite as stated above and are in full compliance with 35 U.S.C. 112.

Claims 1-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sansone et al. (U.S. 5,019,991) in view of Uno et al. (U.S. 5,535,127). Reconsideration is respectfully requested.

The present invention relates to a method for processing one or more pieces of residual mail to automatically correct the postage for the residual mail and to a system which implements the method. The method includes receiving a first class of service that was used to originally process the residual mail and receiving a second class of service to which a postage value originally applied to each of the pieces of residual mail is to be corrected. Next, a postage correction table is generated from a first rate table corresponding to the first class of service and a second rate table corresponding to the second class of service. A postage correction amount for each of the pieces of residual mail is determined based upon the postage correction table, and the determined postage correction amount is applied to each of the pieces of residual mail. (Specification, paragraphs [0011] – [0012]). Additionally, the captured transaction information for the mail originally processed is corrected such that any accounting and data capture inaccuracies are compensated for. Specifically, when each piece of residual mail has its postage corrected, its transaction information is removed from any data capture categories in which it was originally placed. Moreover, for each piece of residual mail that is processed to have its postage corrected, accurate transaction information, reflecting the proper (*i.e.*, corrected) class of service,

weight, dimensions and/or postage value, is captured and stored for subsequent reporting. (Specification, paragraph [0030]).

In view of the above, claims 1 as amended is directed to “a method of processing one or more pieces of residual mail using a mail processing system, each of said one or more pieces of mail having original transaction information that is stored by the mail processing system when said one or more pieces of mail are originally processed by the mail processing system using a first class of service, the method comprising: accessing a first rate table corresponding to the first class of service used to originally process said one or more pieces of residual mail; accessing a second rate table corresponding to a second class of service to which a postage value originally applied to each of said one or more pieces of residual mail is to be corrected; generating a postage correction table from said first rate table and said second rate table; determining a postage correction amount for each of said one or more pieces of residual mail based on said postage correction table; applying said determined postage correction amount to each of said one or more pieces of residual mail; deleting the stored original transaction information for each of said one or more pieces of residual mail; generating new transaction information for each of said one or more pieces of residual mail based on the second class of service; and storing the new transaction information for each of said one or more pieces of residual mail.”

Sansone et al. is directed to a system that checking for improper posting, determining the proper posting amount, debiting the accounting system accordingly, and then certifying the mail piece as correct. In Sansone, a mail piece is weighed by a scale 30. A CPU 12 responds to the weight data from scale 30, in accordance with a pre-stored program and postal data previously stored in a look-up table in memory, to activate a printing activating mechanism 32 which sets print wheels 34, cooperating with meter imprinting station 36, for applying appropriate printed postage indicia data to the envelope as it traverses along the path 18 into the meter imprinting station. The value of the printed postage is debited from the descending register 50. In the event that the postage is already pre-printed, such information will have been placed into the CPU by the reader 10 and a bypass mechanism 40 will be activated causing the imprinting station to be inactive. In the event of pre-printed postage, the counter 26 and scale 30 function to provide

parameters which are compared to the previously stored data in the CPU 12 to determine the correctness of the pre-printed postage. In the event the postage is incorrect, the CPU 12 calculates the correct postage and decrements the descending register accordingly. Upon discharge of the mail pieces from the mail path 18, mail pieces then continue along path 46 to the certification station 48, where an appropriate certification stamp is placed upon the mail. The certification is a verification of correct postage accounting, as a function of mail count and/or weight and/or destination zip codes, or a combination thereof, depending upon the input condition established when the run began. The certification provides a means for indicating that a mail piece has gone through a correct accounting process and should be delivered regardless of any apparent short payment. The certification also verifies that a correct debit was in fact performed by the postal organization. The certificate is placed upon the mail in human readable form and thus provides an indication to the postal service that appropriate adjustments have been made to the sender's descending register balances for any short-weighed or short-paid or otherwise incorrect postage which may have been placed upon the envelope. (Col. 3, line 59 to Col. 4, line 34).

Thus, the system in Sansone will determine if pre-printed postage is incorrect, calculate the correct amount, decrement the descending register accordingly, and then print a certification stamp that indicates the mail piece has gone through a correct accounting process. The system in Sansone et al., however, does not delete the stored original transaction information for each of the pieces of residual mail; generate new transaction information for each of the pieces of residual mail associated with the second class of service; and store the new transaction information for the pieces of residual mail as in the present invention. Thus, any data capture categories that utilize the transaction information for each mail piece will be incorrect, as it will not reflect the change in class for the residual mail. The present invention, in contrast, deletes the stored original transaction information for each piece of residual mail, generates new transaction information for each of the pieces of residual mail based on the second class of service, and stores the new transaction information, thereby ensuring that any data capture categories will accurately reflect the processing performed by the mail processing system. There is no disclosure, teaching or suggestion in Sansone et al. of "deleting the stored original

transaction information for each of said one or more pieces of residual mail; generating new transaction information for each of said one or more pieces of residual mail based on the second class of service; and storing the new transaction information for each of said one or more pieces of residual mail.”

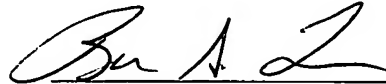
The reference to Uno et al. does not cure the above deficiencies, as Uno et al. was relied upon for disclosing that mail can be separated into different classes. There is no disclosure, teaching or suggestion in Uno et al. of accessing a first rate table corresponding to the first class of service used to originally process said one or more pieces of residual mail; accessing a second rate table corresponding to a second class of service to which a postage value originally applied to each of said one or more pieces of residual mail is to be corrected; generating a postage correction table from said first rate table and said second rate table; determining a postage correction amount for each of said one or more pieces of residual mail based on said postage correction table; applying said determined postage correction amount to each of said one or more pieces of residual mail; deleting the stored original transaction information for each of said one or more pieces of residual mail; generating new transaction information for each of said one or more pieces of residual mail based on the second class of service; and storing the new transaction information for each of said one or more pieces of residual mail.

For at least the above reasons, applicant respectfully submits that claim 1 as amended is allowable over the prior art of record. Claims 2-9, 21 and 22, dependent upon claim 1, are allowable along with claim 1 and on their own merits.

Independent claim 10 as amended includes limitations substantially similar to those of claim 1. For the same reasons given above with respect to claim 1, Applicants respectfully submit that claim 10 is allowable over the prior art of record. Claims 11-20 and 23, dependent upon claim 10, are allowable along with claim 10 and on their own merits.

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Brian A. Lemm", written over a horizontal line.

Brian A. Lemm
Reg. No. 43,748
Attorney for Applicants
Telephone No.: (203) 924-3836

PITNEY BOWES INC.
Intellectual Property and
Technology Law Department
35 Waterview Drive
P.O. Box 3000
Shelton, CT 06484-8000